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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,027	12/26/2001	Jason C. Lail	C0014	2444

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CORNING CABLE SYSTEMS LLC  
P O BOX 489  
HICKORY, NC 28603

EXAMINER

PAK, SUNG H

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,027

Applicant(s)

LAIL ET AL.

Examiner

Sung H. Pak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Information Disclosure Statement*

References submitted in the information disclosure statement have been considered by the examiner. Please refer to PTO-1449 enclosed herewith.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11, 23-26, 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokokawa et al (US 2001/0043781 A1).

Yokokawa et al reference discloses an optical fiber with all the limitations set forth in the claims, including: a cable core having at least optical fiber (paragraph 0029); a ripcord being an electrically conductive material or alternatively a dielectric material (paragraph 0030); the ripcord having sufficient surface roughness so that it does not easily slip out of the buffer tube (paragraph 0032); the ripcord having an excess length (paragraph 0031); the ripcord having a coating thereon (paragraph 0060); the ripcord having a diameter greater than 0.012 inches (paragraph 0030).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12-13, 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokokawa et al (US 2001/0043781 A1).

Yokokawa et al reference discloses an optical fiber with all the limitations set forth in the claims as discussed above, except it does not explicitly disclose the use of carbon composite ripcord as claimed. However, Carbon fiber materials are well known in the cabling art. Carbon composite materials provide a well known advantage of high tensile strength, light weight and resistance to harsh environmental conditions.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

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the invention was made to modify Yokokawa et al device to have a carbon composite ripcord.

Claims 4, 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokokawa et al (US 2001/0043781 A1) in view of Greveling et al (US 5,970,196).

Greveling et al reference was cited in the information disclosure statement.

Yokokawa et al reference discloses an optical fiber with all the limitations set forth in the claims as discussed above, except it does not explicitly teach the use of stranded or helically wound ripcords.

Greveling et al, on the other hand, discloses a ripcord that is helically wound about the axis of the fiber optic cable (column 3 lines 50-53). Such an arrangement provides a well-known advantage of allowing for easy removal of jacket material about the longitudinal axis of the fiber optic cable. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yokokawa et al device to have stranded or helically wound ripcord.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al (US 6,236,790 B1), McLeod (US 6,541,706 B2), Okada et al (JP 2000-241681 A) disclose optical fiber cables with metallic ripcords.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.


The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



sp  
July 11, 2003

Sung H. Pak  
Examiner  
Art Unit 2874

  
HEMANG D. PATEL  
PRIMARY EXAMINER